

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 18601 of 2007(M)

PETITIONER:

KERALA STATE ENGINEERING AND
INFRASTRUCTURE SERVICE CO-OPERATIVE LTD.NO.4448
(KEISCO), REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
KERALA, THIRUVANANTHAPURAM.
2. THE UNIT INSPECTOR, KAZHAKUTTOM,
OFFICE OF THE ASSISTANT REGISTRAR,
THIRUVANANTHAPURAM(CLAMING AS THE ENQUIRY OFFICER)

R1 BY SR.GOV'T.PLEADER SRI. P.N. SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.M.JOSEPH, J.

WP.(C) No.18601 of 2007

Dated this the 19th day of June, 2007

JUDGMENT

Petitioner challenges Ext.P3. Ext.P3 is an order passed purportedly under Section 65 of the Act. By Ext.P3 one officer is appointed by name to enquire into certain aspects which are stated therein. The matters to be ascertained include appointments made in the Society, about the expenses contrary to the directions of the Registrar and also regarding the constructions being carried out by the Society. Petitioner had approached this court earlier and this court had allowed the writ petition in favour of the petitioner on the ground that the order was not communicated to the petitioner. Learned counsel for the petitioner Sri. B.S.Swathi Kumar would submit that the present order is also vitiated. He submits that no appointments have been made in the Society and going by the nature of the matters sought to be enquired into, it would appear that there was not even a preliminary enquiry. He would also submit that the intent of the authorities is to harass the petitioner, as unnecessarily the books will be taken away and the construction work being carried on by the petitioner will be brought

to a standstill causing grave injustice to the petitioner. Learned counsel for the petitioner also submits that this is a ruse to proceed against the petitioner and to harass the petitioner.

2. Learned Government Pleader on the other hand points out that a reading of Ext.P3 order would show that there was indeed a preliminary enquiry conducted and on a perusal of which it was found necessary to order an enquiry under Section 65 of the Act and this court may not interfere in the matter.

3. As far as the contention that there was no preliminary enquiry, I am not very much impressed having regard to the wording of Ext.P3, which appears to say that there was a preliminary enquiry. After all by Ext.P3 an enquiry is ordered as to the appointments made, whether they are made or they are regular or irregular are all matters which can be gone into in the course of the enquiry and the petitioner will certainly get an opportunity to disabuse the officer of any erroneous view that he may have in regard to these matters in the course of the enquiry. Of course I must hasten to add that under the cover of the enquiry under Section 65, the departmental officers will not harass the

Society or its officers, in particular as it is stated that the construction work is being undertaken by the Society. The officer will take care to see that the construction work is not unnecessarily and unjustifiably interfered with. It is also further ordered that in case on the basis of the enquiry report and the conclusions in the enquiry if any further action is to be taken, it will be taken in accordance with law which includes giving of notice and copy of the enquiry report.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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